

MEMORANDUM

DATE: December 16, 2003

TO: The Board of Supervisors

FROM: Leo P. Rogers, Deputy County Attorney  
William C. Porter, Jr., Assistant County Administrator

SUBJECT: Acquisition of 96.658± acres for Landfill Buffer

---

Attached is a resolution authorizing the County Administrator to execute an Agreement in Lieu of Condemnation with Gray Associates and VMI Foundation, Incorporated. The Agreement provides that the County will receive an easement over the 96.658 acres adjacent to the County Landfill and establishes a process by which the County will receive title to the property. Upon execution of the Agreement, the County will establish an escrow fund in the amount of \$241,645. This amount is equal to \$2,500 per acre plus the present value of a portion of the taxes on the property until 2021. If the property owners use the property for density or open space credits prior to March 1, 2021, then title to the land and the escrowed funds plus interest shall belong to the County. If the property owners do not use the density or open space credits prior to March 1, 2021, then ownership of the land shall belong to the County and the property owners shall receive the escrow funds plus interest.

This property is needed to provide a buffer to the County Landfill. The County and the Virginia Department of Environmental Quality have an agreement in principle on a plan to control pollution migration from the closed landfill. Establishing buffers around the County Landfill is a part of that plan.

Staff recommends approval of the attached resolution authorizing the Agreement.

---

Leo P. Rogers

---

William C. Porter, Jr.

LPR/DP/gb  
buffer.mem

Attachment